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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,993	03/03/2000	Daniel W. Sexton	30-GF-1092	6387

7590

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EXAMINER

KIM, HAROLD J

ART UNIT

PAPER NUMBER

2182

5

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/518,993

Applicant(s)

SEXTON ET AL.

Examiner

Harold Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the filing of the Amendment A, Paper # 4, on 2/18/04, has been considered but they are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made **FINAL**.

2. Claims 1-26 are presented for examination.

3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. **Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Slaughter et al., US Patent no. 6,643,650.**

6. In re claim 1, Slaughter et al. shows a method for communicating with a device [1750, fig 39b; 110, fig 46b] including one of a programmable logic controller (PLC) [1750, fig 39b] and an input/output device [1750], said method comprising the step of:

interconnecting [2106, fig 46b] the device to a personal computer (PC) [1760, fig 39b] running a web browser [400, fig 13], wherein said interconnection includes connecting the device to the PC via a connection outside a network [2110, fig 46b] connecting the PC to a server [2110, 2120a, fig 46b]; and

running an application [1760, fig 39b] on the PC that launches the web browser to an initial page and uploads a web browser applet or active x object [2106, XML messages, fig 46b] from the device to the PC via the interconnection.

7. In re claim 2, Slaughter et al. shows electronically communicating data between the PC and the device, under control of the web browser and web browser applet or active x object [2106, fig 46b].

8. In re claim 3, Slaughter et al. shows the step of the PC automatically retrieving data specified by the web browser applet of active x object from the server on the network [figs 13 and 46b].

9. In re claim 4, Slaughter et al. shows the data retrieved from the server on the network comprises information about the device [fig 46b].

10. In re claim 5, Slaughter et al. shows displaying the information about the device in a web browser window [1760, fig 39b; 400, fig 13].

11. In re claim 6, Slaughter et al. shows the data retrieved from the server on the network comprises an executable application, and further comprising the step of executing the executable application [fig 43].

12. In re claim 7, Slaughter et al. shows downloading the data received from the server to the device [fig 43].

13. In re claim 8, Slaughter et al. shows transferring data from the device to the server via the web browser [2006, fig 43].

14. In re claim 9, Slaughter et al. shows the device is electronically coupled to a plurality of intelligent modules [2102, 2104, 2020, fig 46b], and further comprising the step of selectively communicating data between the intelligent modules and the server, via the device, the interconnect, the web browser, and the web browser applet or active x object [fig 46b].

15. In re claim 10, Slaughter et al. shows automatically retrieving data specified by the web browser applet or active x object from the PC to the device [figs 43 and 46b].

16. In re claim 11, Slaughter et al. shows transferring data from the device to the PC via the web browser [figs 43 and 46b].

17. In re claim 12, Slaughter et al. shows the device is electronically coupled to a plurality of intelligent modules [2102, 2104, 2020, fig 46b], and further comprising the step of selectively communicating data between the intelligent modules and the PC, via the device, the interconnection, the web browser, and the web browser applet or active x object [fig 46b].

18. In re claims 13-26, Slaughter et al. teaches the method steps as set forth in claims 1-12. Therefore, Slaughter et al. also teaches the method steps in using the apparatus as set forth in claims 13-26.

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***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

The centralized fax number is 703 872-9306.

The centralized hand carry paper drop off location is:

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Crystal Plaza Two, Lobby, Room 1B03

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Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is (703) 306-5631.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is 703-305-1948. The examiner can normally be reached on Monday-Thursday 6AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*uk*

Harold J. Kim

Patent Examiner

May 16, 2004/HK